

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MARCH 8, 2016**

CALL TO ORDER

At 7:05 p.m. Mayor Woodruff called the meeting to order and stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

EXECUTIVE SESSION –

- 1. Land Transactions – Mondelli Property**
- 2. Attorney/Client Privilege – Contract Negotiations – Little Flower Church**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:06 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mrs. Kingsley stated that 1) we would be doing the Mondelli transaction first; 2) Mr. D'Aquila and she would step out and 3) Mr. Hall will go back for the land transaction, phase 2.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:25 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

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CONFERENCE SESSION –

Mr. Faecher – Mr. Faecher stated that he would speak about two things: 1) Affordable Housing Update – He spoke about the summary of the Affordable Housing piece which was recently put out, stating that 40 years were boiled down to a page and a half. Mr. Faecher spoke about the legal history summary which was also prepared. Mr. Faecher spoke about the recent vote on the 100 Locust MOU adoption and elaborated on its location, the MOU, the developer's original plans, the Court Mediation process, project details, and this project being a product we don't have in town. Mr. Faecher spoke about continuing to reach terms with the other intervenors in the litigation and elaborated. Mr. Faecher spoke about the next submission (March 18th) and the next oral argument (April 4th) and elaborated. 2) In regards to Redevelopment, Mr. Faecher stated that progress continues to be made in moving forward for the Municipal Redevelopment and the Ancillary properties related to it. Since the Open House, Mr. Faecher stated that the professionals have been looking at the suggestions and elaborated. Mr. Faecher spoke about the DEP's response regarding the Flood Hazard Lines for this property and the Hamilton Avenue property. Mr. Faecher spoke about the recent geotechnical drilling and elaborated. Mr. Faecher spoke about tonight's vote regarding the Little Flower property and elaborated.

Mrs. Kingsley – In regards to the adoption of the new signs, Mrs. Kingsley asked that Ms. Julie Lloyd step up. Ms. Lloyd presented the proposed signage. Discussion ensued. Mrs. Kingsley asked if Ms. Lloyd wanted a straw vote. Ms. Lloyd responded. Ms. Lloyd stated that they are looking into doing the Park's signs the same way and elaborated. Mrs. Kingsley asked if anyone was not comfortable with the taupe background. The Mayor asked for a Straw Vote. Mrs. Kingsley told Ms. Lloyd to place the order.

Mr. Delia, Mr. D'Aquila, Mr. Pirone, and Mr. Pastore stated that they had nothing for Conference.

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila – Mr. D'Aquila stated that he attended the Pure Movement Dance Center Fundraiser and Practice Competition this past weekend and elaborated.

Mr. Pirone – Mr. Pirone stated that the Community Growth Task Force met and spoke about the meeting's discussion (i.e., SIDS – Special Improvement District.)

Mr. Pastore – Mr. Pastore spoke about website additions, i.e., the Recreation Department Spring information and Tax Payment information.

Mr. Delia – Mr. Delia had nothing to report.

Mr. Faecher – Mr. Faecher had nothing to report.

Mrs. Kingsley - Mrs. Kingsley spoke about the upcoming VFW St. Patrick's Day Fundraiser Dinner on March 12th.

Mayor Woodruff – The Mayor spoke about his recent trip to the Woodruff School. He stated that Mrs. Kingsley also attended. The Mayor stated that 1) the event was to honor the veterans; 2) the event was tremendous and elaborated.

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Mr. Bussiculo – Mr. Bussiculo reported on the following: 1) Construction Department update including numbers of new applications, permits issued, plans reviewed, fees received, COAH fees, Sewer Connection fees; 2) Pothole update; 3) DEP Storm grate upgrades; 4) Street Sweeper update; 5) recent rain Storm Cleanup; 6) Tree Removal at Memorial Park; 7) Storm Line at Timber and Exeter; 8) Meeting scheduled tomorrow with the Morris County Co-op; 9) Union County Infrastructure grant was sent in on February 26th; 10) Inlet repairs; 11) Spring Chipping; 12) Bulk Pickup Update; 13) Recycling Bid Update; 12) Tonnage Reports Update; 13) Heating problem, ventilation review, and ceiling rehab at Fire Department; 14) Registration Updates for both Recreation travel camp and Spring Season; 15) Waste Water Treatment Plant update – no safety issues; year-end reporting requirements have been satisfied, NJDEP correspondence regarding permit renewal application receipt, NJDEP collection system inspection update, Twin Fall Pump Station Number 2 repair pricing update, SCADA system update – submittal due date is April 5th; Trickling Filters update and Grease trap inspection update; 16) Board of Education Meeting was held regarding working together and covered a number of issues including snow removal, pot hole repair, and salt. Mrs. Kingsley asked whether the Recycling bid included “weekly or bi-weekly.” Mr. Bussiculo responded.

The Mayor stated that the governing body met last Monday night to deal with the budget. Mr. Marceau stated that we should introduce the budget on March 22nd and adopt it on April 19th.

Moved by Mr. D’Aquila to approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Public Meeting – January 26, 2016
Public Meeting -- February 9, 2016**

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

Executive Session – October 22, 2013; December 3, 2013; December 17, 2013.

Upon roll call vote:

Ayes: Mr. Delia, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mr. D’Aquila and Mr. Faecher
Absent: None

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HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Faecher to open the Hearing on Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

In regards to the sale of property Resolution, Mr. Tom Foregger of 14 Dorsett Road asked what are the terms of conditions and contingencies. Mr. Sordillo responded. Mr. Foregger asked how many are there. Mr. Sordillo responded. Mr. Foregger asked whether the contingencies in the Memorandum of Agreement have been satisfied. Mr. Sordillo responded. Further discussion ensued (Mr. Foregger, Mr. Sordillo.) For clarification, Mr. Faecher asked if this was a real estate contract which has contingencies, like a house with contingencies. Mr. Sordillo responded.

With regards to 100 Locust, Mr. Sander Raaymakers of 180 Timber asked how the Tax Revaluation worked. The Mayor and Mr. Bussiculo responded. Mr. Raaymakers asked how this was determined and elaborated. Mr. Sordillo responded. Mr. Raaymakers spoke about the property's devalue after its purchase. Mr. Sordillo responded. Mr. Raaymaker stated that he has been here two or three times and asked about noise and what was going on and elaborated. He spoke about their \$1 million times two benefit. Mr. Raaymaker asked if this played a role in the signed MOU. Discussion ensued (Mr. Bussiculo, Mr. Raaymakers, Mr. Sordillo, the Mayor, Mr. Faecher.) Mr. Raaymaker asked about site plan availability. Mr. Sordillo responded. Mr. Raaymakers asked at what point in the process could he have input or see what is going on. Mr. Sordillo responded. Mr. Raaymakers stated that he was very happy with 196 versus 300 and very happy with 55 plus versus whatever. He stated that he thinks 1) the density is still too high and 2) is worried that it will be three, four stories or more. Mr. Bussiculo responded.

Hearing no voices, moved by Mr. Faecher to close the Hearing on Agenda items, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON
FEBRUARY 23, 2016.**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey,
Authorizing the Acceptance of the Dedication of the Right-of-Way Known as Treetop Court
in the Township of Berkeley Heights.”**

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Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated March 8, 2016 in the amount of \$418,771.57.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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Mr. Faecher introduced the following resolution:

2. Resolution authorizing the Township to enter into the Agreement of Sale with Little Flower Church setting forth the terms and conditions and contingencies of the land transaction.

Moved by Mr. Faecher to approve resolution #2, seconded by Mr. Pirone and carried.

Mr. Sordillo stated that in regards to the Agreement of Sale attached to the Resolution, there will be some ministerial adjustments to the Agreement, specifically to the Schedules referenced in 1A and 1B and elaborated. Mr. Sordillo stated that the Library raised some items, specifically with regard to paragraph 1B and elaborated. Mr. Sordillo stated that the other changes are a typo and a correction here and there. Mr. Sordillo stated that the final draft which will be signed will be slightly altered versus the copy that is attached to the resolution. The Mayor asked Mr. Sordillo if there was an impediment to move forward tonight. Mr. Sordillo responded. The Mayor asked whether he could move forward with the execution if the Council approved. Mr. Sordillo responded. The Mayor asked if the Library and the Church had separate counsel in this area. Mr. Sordillo responded.

Mr. Delia asked how we are paying for this, specifically if we were taking a bond or paying cash. He asked where were we getting the \$2.8 million to pay for this. The Mayor and Mr. Sordillo responded. Mr. Delia stated that this is one of the worst things a Town Council can do, i.e., purchasing private property to re-sell and elaborated. He further elaborated and stated that this could close the Church. He further elaborated. He asked if you would feel responsible if the Church closes. Mr. Faecher stated that he completely disagrees with everything Mr. Delia said and elaborated. Mr. Faecher stated that the closing of the Church is complete news to him. Mr. Delia asked if anyone else had heard this before. Mrs. Kingsley responded. Mr. Pirone asked Mr. Delia if his source was in the Archdiocese. Mr. Delia responded. Mr. Delia said that the Church hasn't made an effort to raise the funds to do this. The Mayor asked if Mr. Delia had done due diligence on this. The Mayor asked if Mr. Delia spoke to people at the Archdiocese. Mr. Delia asked if there was proof to the contrary of what he was saying. The Mayor and Mrs. Kingsley responded. Mr. Delia asked what if the Church closes. The Mayor stated there was no evidence of that. Further discussion ensued. The Mayor asked Mr. Delia if he had taken this concern to the people in the Church. Mr. Delia wanted it on the record that 1) he is no part of this and 2) that if this Church closes, he did everything in his power to try to stop it and elaborated. Mr. Faecher stated that no one up here wants the Church to close. He stated that the Church is a counterparty to this transaction and elaborated. Mr. Delia responded. Mrs. Kingsley stated that it wasn't our job to audit the Church. Mr. D'Aquila spoke about the public hearing. Mr. Delia responded. The Mayor stated this is not an argument for here. Mr. Delia disagreed. The Mayor stated that if there is a concern with respect to the Church, it should be taken to the Church and elaborated. Mr. Delia stated he was against it for multiple reasons. Mr. Delia stated that his original plan from a few weeks ago to leave the Library where it is would save a ton of money. The Mayor asked what facts he based that on. Discussion ensued (Mr. Delia and the Mayor.) Mr. Delia stated that he thought it was terrible to do something like this.

Upon roll call vote:

Ayes: Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: Mr. D'Aquila and Mrs. Kingsley
Absent: None

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Mr. Pastore introduced the following resolution:

3. Resolution authorizing a tax settlement with Berkeley Developers, 100 Locust Avenue, Block 1901, Lot 35.

Moved by Mr. Pastore to approve resolution #3, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: None

INTRODUCTION OF ORDINANCES

The Mayor asked if we were going to withdraw the Ordinance. Mrs. Kingsley responded. The Mayor spoke about the previous evening's budget discussion in regards to police vehicle use and elaborated. Mr. Sordillo noted that Section C.1 will be amended, specifically two typos will be corrected. He then spoke about the numbers which are being changed: 1) the \$5 administration fee is being amended to \$8; and 2) in Section C.3, the use of police vehicles is being amended from \$50 to \$75.

Public Hearing and Final Adoption scheduled for March 22, 2016.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Section 2.100.100 to be entitled “Outside Employment of Off-Duty Police Officers” of Chapter 2.100 entitled “Police Division” of Title 2 entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to revise same.” (EXPLANATORY STATEMENT: This Ordinance amends and revises the fees for the services of off- duty police officers of the Township of Berkeley Heights.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that March 22, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

In regards to the YMCA's interest in relocating, Mr. Gerald Kuzmick of Eaton Court asked about its progress as well as how it relates to a request for a gym as part of the Redevelopment complex. He speculated whether there would be a commonality and elaborated. The Mayor responded with a lengthy explanation. Mrs. Kingsley also responded. Further discussion ensued (the Mayor.) Mr. Kuzmik asked if the current proposal can accommodate a gym and elaborated. The Mayor and Mrs. Kingsley responded. Mr. Kuzmik asked if there was any feedback relating to the Kings development property and elaborated. Mr. Faecher responded. Elaborating further, Mr. Kuzmik asked if anything was going to be accomplished during this calendar year. Mr. Faecher responded. Further discussion ensued (Mr. Kuzmik, Mr. Faecher.)

Mr. Bruce Mustacchi of 174 Princeton Avenue applauded the Council on the communication improvements with the general public. He spoke about a schedule of paving projects which used to be posted. Mr. Mustacchi asked if we could get this schedule posted as he didn't see it anywhere. Mr. Bussiculo responded.

Mr. Stephen Yellin of 130 Dogwood Lane spoke about a typo in the Treetop Court Ordinance. Mr. Yellin agreed with Mr. Mustacchi regarding the communication improvements. Mr. Yellin asked whether the new website would be mobile friendly. Mrs. Kingsley and Mr. Bussiculo responded. Mr. Yellin stated that the Cultural Events Committee was sponsoring a celebration of Purim this Sunday and elaborated.

Ms. Julie Lloyd of 52 Deepdale Drive asked about the YMCA, the parking and Snyder Park. The Mayor responded. Discussion ensued (Ms. Lloyd, Mrs. Kingsley, and Mr. Faecher.)

Regarding the Agreement of Sale, Mr. Foregger stated that he had some contingencies that he forgot to ask about. Referencing the Memorandum of Understanding, Mr. Foregger asked whether Little Flower had received final approval of the transaction from the Archdiocese. Mr. Sordillo responded. Mr. Foregger asked about Little Flower's collection and receipt of sufficient funding to complete its development worship space, 310 Plainfield Avenue and the Library property. Mr. Sordillo responded. Mr. Foregger asked about due diligence - inspections of the library property. Mr. Sordillo responded.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

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ADJOURNMENT

Moved by Mr. D'Aquila to adjourn, seconded by Mr. Pastore, and upon roll call vote:
(8:31 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Approved: March 22, 2016